THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M.VENKATESHWAR REDDY

W.P.NO. 8279OF 2006

DATED: 09-05-2006

BETWEEN;

Janma Bhoomi Rashtra Seva Sangam

… Petitioner

and

The A.P. State Film Censor Board and others

.. Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M.VENKATESHWAR REDDY

W.P.NO. 8279OF 2006

ORDER: (PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

This is a writ petition filed by one Janma Bhoomi Rashtra Seva Sangam, claiming to be an N.G.O alleging that a feature film with a title " 10th Class" is obscene, improperly named and having potentially damaging and corruptive influence on the minds of minor and adolescent children and seeking a direction to the respondents to review the film for deletion of objectionable scenes and songs and like reliefs.

The petitioner claims to be an organization dedicated to working for the welfare of the poor people, helping the unemployed, working towards eradicating child labour and encouraging social activities. The writ petition is claimed to be in public interest.

Even according to the petitioner, the Censor Board issued an "A" certificate to the film - intended to be viewed only by adult audience. According to the petitioner, the story line of the film involves sexual intimacy between a unmarried boy and a girl resulting in the pregnancy of the unmarried girl after which the couple elope without intimating their parents. These events occur even while the boy and girl are studying the first year intermediate course. The petitioner further alleges that there are objectionable scenes in the film such as the undressing of the girl by her male class mates; the hero, a minor boy, proposing to an elder and married women more than 10 years his elder; romantic scenes and songs in the class room and in the trial room of a garment shop; scenes of the hero and his friends who are minors often smoking and consuming alcohol and even the hero a minor smoking in the class room; and several (unspecified) scenes which allegedly instigate minors and adolescents to following a "wrong" path. The petitioner also objects to (unspecified) scenes shown at the residence of the heroine while her parents are out of station. The petitioner also alleges that the director of the movie in an interview to a private audio-visual channel had stated that he is waiting for the completion of the 10th Class examinations to get the movie released. The petitioner infers from this statement that the director intends the film for viewing by 10th Class students.

The writ petition came up for admission hearing before the learned Division Bench on 28.04.2006 whereon rule nisi was issued and the matter listed for hearing before the vacation bench in the summer recess of this Court on

02.05.2006.

On 02.05.2006 we took up consideration of the writ petition and directed the third and fourth respondents – the producer and director of the film to ensure a screening of the film for the viewing of the Court, on 4.5.2006. We have seen the film on 4.5.2006 at the Preview Theatre, Film Chamber of Commerce, Film Nagar, Jubilee Hills, Hyderabad.

The broad theme of the film, in our considered view constitutes a beneficial message to the young and the adolescent. It is a story of a lower middle class boy (son of an auto rickshaw driver) and an upper middle class girl, who are class mates, studying the 10th Class. The adolescent boy is initially infatuated with an elder married woman living in the neighbourhood, follows her for a time found in streets and even propositions her, is rebuffed but on his persisting she leaves the neighbourhood with her family. Thereafter, following some scenes of common-place adolescent pranks in the class room amongst the students and with the teachers too (slightly exaggerated though not improper in terms of artistic licence) the hero and the heroine get attracted to each other eventually. While in the 10th class, the heroine along with her female class mates goes out to an isolated spot, wanders away from her female friends and is undressed by a few male class mates. The undressing scenes are not luridly filmed, there is no explicit display of nudity nor extreme visual depiction of sexual harassment. The hero of the film enters upon the scene at that moment and lends the girl his clothes to save her from embarrassment. Thereafter the girl gets attracted towards the boy and develops a school age crush. There are also scenes of the girl trying to help the boy academically and in the examinations. After the both pass out of the 10th Class, the boy in the first division, he joins the first year of the intermediate course in a Government college. The girl follows him in the same course.

It is while pursuing the first year intermediate course that a situation is woven into the story where the girl's parents have to leave home for a couple of days. During this time, the boy goes to the girls place and a sexual intimacy between two ensues. Even in these scenes, there is no explicit or extreme depiction of visual nudity, excessive exposure or other scenes which could be said to have no redeeming social value except portrayal of nudity for pandering

to prurient interests. Consequent on the sexual intimacy between the boy and the girl for a couple of days, the girl becomes pregnant, is initially chastised by her parents and goaded to have her pregnancy terminated. She resists these plans of the parents and elopes with the boy.

The young unmarried couple (the girl pregnant) leave for the city where the boy slowly haltingly and by trial and error realizes the challenges of life that are to be met and eventually and by and by becomes a responsible citizen, a productive adult, a caring husband and a loving father of twin male children. He becomes quite successful in life and as success comes his way and family is happy and contended, tragedy strikes and the wife and one of the children die in an accident. The rest of the story is again a cinematic blend of circumstances leading to the curtain.

All in all, having seen the film, we are of the clear and considered view that neither the theme, the dialogues and any of the scenes are incorporated solely to pander to prurient interests or to tittilate; there is no excessive or objectionable level of obscenity, vulgarity, nudity or even intense or prolonged visual depiction of sexual intimacy. The boys initially infatuation with an elderly married woman by itself cannot be categorized as per-se obscene, objectionable or wholly inconsistent with contemporary moral standards of the society. At that stage of the theme the hero is at an adolescent age where discovery and exploration of ones sexuality is not uncommon. The attraction that blossoms between the boy and a girl, studying 10^{th} class is also not per se objectionable. A first year intermediate girl becoming pregnant consequent on sexual intimacy with a classmate is also not per se a prohibited theme particularly since the film is certified for viewing by adult audience. The film has a broad beneficent message as to the travails that be-fall the young and adolescent who embark on sexual adventures at a young age and without adequate equipment and maturity.

We find no merits whatsoever in the writ petition.

The writ petition is accordingly dismissed. No costs.

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GODA RAGHURAM,J

M.VENKATESHWAR REDDY,J

Dated: 09-05-2006